

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

ANTONIO T. SMITH,)
)
 Plaintiff,)
)
 v.) No. 1:11-cv-15
) Judge *Curtis L. Collier*
 SHERIFF JIM HAMMOND,)
 LT. BRYON KNIGHT,)
 OFFICER JUSTIN TABOR, OFFICER)
 MANIS, HAMILTON COUNTY)
 SHERIFF'S DEPARTMENT,)
)
 Defendants.)

MEMORANDUM

This is a *pro se* civil rights action brought pursuant to 42 U.S.C. §1983. Presently before the Court is a Notice filed on behalf of Defendants pursuant to the Scheduling Order notifying the Court of Plaintiff's non-compliance with the scheduling order (Court File No. 18).¹

Pursuant to the Scheduling Order entered on April 23, 2013, and the Amended Scheduling Order entered on May 2, 2013, by this Court, Plaintiff Antonio T. Smith ("Smith") was required to file his pretrial narrative statement on or before Monday, June 3, 2013. Plaintiff was forewarned that his "failure to file a Pretrial Narrative Statement [would] result in dismissal of . . . [his] complaint for failure to prosecute and to comply with the orders of this Court." (Court File No. 13, at 2-3, ¶ 7). As of Monday, June 17, 2013, Plaintiff has failed to file a pretrial narrative statement.

¹ Initially the Court was concerned that Plaintiff's address identified on CM/ECF was incorrect because it appeared he had filed a notice of a change of address which was not reflected on CM/ECF (Court File No. 12), but yet, none of the subsequent Orders mailed to Plaintiff at the Hamilton County Jail had been returned to the Court. Upon inquiry, a Hamilton County Jail official confirmed that Plaintiff is presently residing at that facility.

The date established for Plaintiff to submit his pretrial narrative statement has come and gone, but he has failed to file his statement. Consequently, Plaintiff has failed to comply with the Scheduling Order.

Rule 41(b) of the Federal Rules of Civil Procedure allows a court to dismiss an action *sua sponte* for failure to prosecute or for failure to comply with the federal rules or any court order. This authority is based on the Court's inherent authority to control its docket and prevent undue delays in the disposition of pending cases. Plaintiff has apparently lost interest in pursuing any claims in this Court as evidenced by the fact that he has failed to file his pretrial narrative statement.

Accordingly, this action will be **DISMISSED** for Plaintiff's failure to prosecute and to comply with the orders of this Court, *see* Fed. R. Civ. P. 41(b), *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991), and the January 13, 2014, trial date will be **CANCELLED**.

A judgment will enter.

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE